

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, OCTOBER 10, 2006**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

Commissioners Present: Deb Schorr, Chair  
Bob Workman, Vice Chair  
Bernie Heier  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Patricia Owen, Chief Deputy County Clerk  
Kristy Mundt, Deputy County Attorney

The meeting of the Board of Commissioners was called to order at 9:30 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 3, 2006.**

**MOTION:** Heier moved and Workman seconded approval of the minutes of the Board of Commissioners meeting held on October 3, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 3, 2006.**

**MOTION:** Stevens moved and Heier seconded approval of all claims processed through October 10, 2006. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. An application for a Class I (Spirits, Wine, Beer, On Sale Only) liquor license from Leonard P. Jimenez d/b/a La Paloma, located at 13940 "O" Street, Suite 9, Lancaster County, Nebraska.

3) **PUBLIC HEARINGS CONTINUED:**

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The oath was administered to Leonard P. Jimenez, applicant.

Jimenez relayed his background and presented additional information relating to misdemeanor convictions (Exhibit A).

The Chair asked if anyone else wished to provide testimony.

No one appeared.

The Chair stated that the hearing will be held open for one week.

- B. An application for an amusement license from David Samani to hold a motocross school on Saturday, October 21, 2006 and Sunday, October 22, 2006 as a fund raiser for the Cody Gilmore Cancer Fund, at 8800 Kolbrook Road, Denton, Nebraska. Professional motocross riders will instruct youth, ages 5 to 18, in riding and safety skills, as well as techniques of motocross. Hours of operation will be 9 a.m. to 5 p.m. both days.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The oath was administered to David Samani, applicant.

Samani gave a brief overview of the proposal.

Workman inquired about insurance.

Samani said he has made provisions for insurance and will finalize coverage if the application is approved.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

**MOTION:** Workman moved and Hudkins seconded to approve the application, contingent upon receipt of a certificate of insurance. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

4) **NEW BUSINESS:**

- A. A funding and construction agreement with the State of Nebraska, Department of Roads for resurfacing of West Adams Street from Northwest 84<sup>th</sup> Street west then northwest for a total of 1.8 miles; Project No. SRR-55(158), Pawnee Lake Recreation Area. Lancaster County's estimated cost for the project is \$27,500 (10%), with the State's estimated cost of \$248,500 (90%). (C-06-0548)

**MOTION:** Stevens moved and Heier seconded approval of a funding and construction agreement with the State of Nebraska, Department of Roads for resurfacing of West Adams Street from Northwest 84<sup>th</sup> Street west then northwest for a total of 1.8 miles; Project No. SRR-55(158), Pawnee Lake Recreation Area. Lancaster County's estimated cost for the project is \$27,500 (10%), with the State's estimated cost of \$248,500 (90%). Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

- B. A grant contract with Lincoln Action Program, Inc. for management of The HUB Project, a transitional services network for disconnected youth/young adults ages 16 to 21, in the amount of \$61,911. Lincoln Action Program will contribute \$88,779 in matching funds. Term of the grant contract is July 1, 2006 through September 30, 2007. (C-06-0549)

The Clerk noted that the correct term of the agreement is July 1, 2006 through June, 30, 2007.

**MOTION:** Stevens moved and Heier seconded approval of a grant contract with Lincoln Action Program, Inc. for management of The HUB Project, a transitional services network for disconnected youth/young adults ages 16 to 21, in the amount of \$61,911. Lincoln Action Program will contribute \$88,779 in matching funds. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

- C. A grant contract with the League of Human Dignity Inc. for funding for the following programs: The Center for Independent Living, in the amount of \$52,000 and for barrier removal, in the amount of \$18,375. The total amount of the grant contract is \$70,375. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0550)

4) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Stevens seconded approval of a grant contract with the League of Human Dignity Inc. for funding for the following programs: The Center for Independent Living, in the amount of \$52,000 and for barrier removal, in the amount of \$18,375. The total amount of the grant contract is \$70,375. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

D. A grant contract with Lincoln Action Program, Inc. for management of the Here to Overcome (H2O) Project, in the amount of \$30,000. Lincoln Action Program will contribute \$12,781 in matching funds. Term of the grant contract is July 1, 2006 to June 30, 2007. (C-06-0551)

**MOTION:** Heier moved and Workman seconded approval of a grant contract with Lincoln Action Program, Inc. for management of the Here to Overcome (H2O) Project, in the amount of \$30,000. Lincoln Action Program will contribute \$12,781 in matching funds. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

E. Agreements with Lincoln Orthopedic Physical Therapy and Beatrice Community Hospital to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and the facility will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contains a 30-day termination provision. (C-06-0552 and C-06-0554)

**MOTION:** Stevens moved and Workman seconded approval of agreements with Lincoln Orthopedic Physical Therapy and Beatrice Community Hospital to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and the facility will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

F. Amendment by interlineation of the cooperative agreement by and among the Ethel S. Abbott Charitable Foundation, the Lower Platte South Natural Resources District and Lancaster County regarding the funding construction and operation of a motocross facility on land owned by Abbott and Lincoln Sports Foundation (LSF) in the vicinity of 7600 North 70<sup>th</sup> street, Lincoln, Nebraska (C-06-0531). The amendment replaces page four (4) of the agreement.

**MOTION:** Hudkins moved and Stevens seconded approval of amendment by interlineation of the cooperative agreement by and among the Ethel S. Abbott Charitable Foundation, the Lower Platte South Natural Resources District and Lancaster County regarding the funding construction and operation of a motocross facility on land owned by Abbott and Lincoln Sports Foundation (LSF) in the vicinity of 7600 North 70<sup>th</sup> street, Lincoln, Nebraska (C-06-0531). The amendment replaces page four (4) of the agreement. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

G. A resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-06-0111)

**MOTION:** Hudkins moved and Stevens seconded approval of Resolution 06-0111 in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

H. A resolution in the matter of opposing Initiative Measure 423. (R-06-0112)

The Clerk read the resolution into the record.

Kerry Eagan, Chief Administrative Officer, appeared and recommended that the Board seek an informal opinion from the Nebraska Accountability and Disclosure Commission as to whether the Board can urge voters to vote against Initiative Measure 423. He also suggested inclusion of the following language:

Paragraph 2 - WHEREAS, Initiative Measure 423 would impose a restrictive state spending limit which would seriously affect the ability of the Legislature to fund essential state services, including public safety, education, Medicaid, and the Highway Trust Fund;

Paragraph 4 - WHEREAS, restricting the ability of the state to fund essential services and programs, especially in rural areas, will result in the transfer of these costs to local government, thereby increasing the burden on the local property tax payer.

4) **NEW BUSINESS CONTINUED:**

Workman suggested that the Board strike the language urging voters to vote against Initiative Measure 423.

**MOTION:** Stevens moved and Hudkins seconded approval of Resolution 06-0112 in the matter of opposing Initiative Measure 423, with the changes that were outlined. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

- I. Recommendation from the Purchasing Agent and the County Engineering Department to award a bid to Nebraska Machinery Company, in the total amount of \$365,000, for two Caterpillar Model 140H motor graders. The cost includes the guaranteed maximum cost repairs maintenance agreement for 8,500 operating hours or seven years, not to exceed \$6,000. Also included is a guaranteed repurchase agreement, mounting/modification of existing County V-plows, and trade-in allowance for two County graders. (B-06-0034)

**MOTION:** Stevens moved and Hudkins seconded to accept the recommendation from the Purchasing Agent and the County Engineering Department and award a bid to Nebraska Machinery Company, in the total amount of \$365,000, for two Caterpillar Model 140H motor graders. The cost includes the guaranteed maximum cost repairs maintenance agreement for 8,500 operating hours or seven years, not to exceed \$6,000. Also included is a guaranteed repurchase agreement, mounting/modification of existing County V-plows, and trade-in allowance for two County graders. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

- J. Recommendation from the Purchasing Agent and the Lancaster County Engineering Department to award a bid to Menards, in the amount of \$10,900, for 50 foot rolls of wood slat snow fence. (B-06-0035)

**MOTION:** Stevens moved and Heier seconded to accept the recommendation from the Purchasing Agent and the County Engineering Department and award a bid to Menards, in the amount of \$10,900, for 50 foot rolls of wood slat snow fence. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

- K. Keno Human Services Prevention Fund grant, in the amount of \$1,500, to the University of Nebraska - Lincoln Health Center. Funds will be used to prepare suicide prevention materials for community professionals who work with high risk populations.

4) **NEW BUSINESS CONTINUED:**

Commissioner Workman said he strongly disagrees with the project focus, as stated on the Keno Human Services Prevention Fund Request Form (Exhibit B). It states the goal of the project is to create and deliver a training module for professionals, primarily in the behavioral health and juvenile justice fields, to better identify and successfully work with gay, lesbian, bisexual and transgender youth who find their way into shelters, detention centers and treatment facilities. Funding would be designated to the Parents and Friends of Lesbians and Gays (P-FLAG) in conjunction with the Human Services Administration and the University of Nebraska at Lincoln (UNL) Health Center.

Kit Boesch, Human Services Administrator, said P-FLAG was originally selected to apply for the grant because of its non-profit status. She said the grant request has been amended to contract directly with the UNL Health Center to find or develop the education program and said the scope of the project will be broadened to other high-risk groups.

Workman said he has received a number of e-mails in opposition to the funding request and read excerpts from several into the record. He also submitted an article titled The Gay Youth Suicide Myth by Peter LaBarbera into the record (Exhibit C).

Extensive discussion followed.

**MOTION:** Workman moved and Heier seconded to deny a Keno Human Services Prevention Fund grant, in the amount of \$1,500, to the University of Nebraska - Lincoln Health Center. Funds will be used to prepare suicide prevention materials for community professionals who work with high risk populations.

Workman noted that the amended request has not been submitted in the form of a request form, rather a one sentence statement from the Human Services Director.

**ROLL CALL:** Workman voted aye. Stevens, Heier and Schorr voted no. Hudkins abstained from voting. Motion failed.

**MOTION:** Stevens moved and Schorr seconded to approve a Keno Human Services Prevention Fund grant, in the amount of \$1,500, to the University of Nebraska - Lincoln Health Center. Funds will be used to prepare suicide prevention materials for community professionals who work with high risk populations.

4) **NEW BUSINESS CONTINUED:**

**AMENDMENT:** Heier moved and Hudkins seconded to amend the original application for funding to include all high-risk youth groups and to eliminate reference to specific groups on the front page.

Stevens said the original application for funding no longer exists and said what the Board is asking Boesch to do is to use the original application for funding as a model, in conjunction with the discussion, and provide more detailed information than the one page memorandum she provided to the Board.

The maker of the motion concurred.

The Chair stated that a corrected copy should also be provided to the Keno Prevention Fund Advisory Board.

**ROLL CALL ON THE AMENDMENT:** Heier, Stevens, Hudkins and Schorr voted aye. Workman voted no. Motion carried.

**ROLL CALL ON THE ORIGINAL MOTION:** Hudkins, Heier, Stevens and Schorr voted aye. Workman voted no. Motion carried.

L. Appointment of Bob FitzSimmons and Steve Willborn to the Lincoln-Lancaster Women's Commission to complete the unexpired terms of Jeannine Falter and Bethina Moore ending December 31, 2007.

**MOTION:** Heier moved and Stevens seconded approval of the appointment of Bob FitzSimmons and Steve Willborn to the Lincoln-Lancaster Women's Commission to complete the unexpired terms of Jeannine Falter and Bethina Moore ending December 31, 2007. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

M. Request from Steve Barton, on behalf of Barton Development Inc., for a refund of 2005 personal property taxes, in the approximate amount of \$79.

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and recommended approval of the request.

**MOTION:** Stevens moved and Hudkins seconded to accept the County Assessor's recommendation and approve the request from Steve Barton, on behalf of Barton Development Inc., for a refund of 2005 personal property taxes, in the approximate amount of \$79. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

5) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

1. County Assessor/Register of Deeds Monthly Report for September, 2006.
2. County Clerk's Monthly Report for September, 2006.

B. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:

- ▶ Larry L. Ahrens, an employee at the Lancaster County Engineering Department
- ▶ Jodi L. Burks, an employee at Lancaster Manor
- ▶ David Wasser, an employee at the Lancaster County Correctional Department

C. A right-of-entry agreement between the Lancaster County Engineering Department and Aginvest, L.L.C., in the amount of \$125, for storing excess dirt from Project C55-P-427(1) relating to the reconstruction of a portion of Rokeby Road from South 56th Street to South 70th Street. (C-06-0555)

**MOTION:** Hudkins moved and Stevens seconded approval of the Consent Items. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

9) **ADJOURNMENT:**

**MOTION:** Stevens moved and Heier seconded adjournment of the meeting of the Board of Commissioners at 10:37 a.m. Workman, Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk

**AGENDA**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, OCTOBER 10, 2006**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS**  
**MEETING**

Commissioners Present: Deb Schorr, Chair  
Bob Workman, Vice Chair  
Bernie Heier  
Larry Hudkins  
Ray Stevens

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Patricia Owen, Chief Deputy County Clerk  
Kristy Mundt, Deputy County Attorney

The meeting of the Board of Equalization was called to order at 10:38 a.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 3, 2006.

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on October 3, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 21 additions and deductions to the tax assessment rolls per Attachment "A".

**MOTION:** Stevens moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Gentle Shepherd Baptist Church  
Lakeview Rest Home, Inc.  
Lincoln Medical Education Partnership  
Saint Paul United Methodist Church

**MOTION:** Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **CERTIFICATION OF TAX LEVIES:**

Certification of 2006-2007 tax levies for Lancaster County, Nebraska.

**MOTION:** Heier moved and Hudkins seconded to approve certification of 2006-2007 tax levies for Lancaster County, Nebraska. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **APPEAL FILED ON PENALTY ASSESSED ON PERSONAL PROPERTY:**

Carrie's Hair Care Salon  
Troy's Automotive  
JBSR, Inc. d/b/a Mr. Goodcents Subs & Pasta  
Gertsch Family Trust  
Industrial Services

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and recommended denial of the appeals.

**MOTION:** Hudkins moved and Workman seconded to accept the recommendation of the County Assessor and to deny the appeals filed by Carrie's Hair Care Salon, Troy's Automotive, JBSR, Inc. d/b/a Mr. Goodcents Subs & Pasta and Gertsch Family Trust. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

**MOTION:** Hudkins moved and Heier seconded to accept the recommendation of the County Assessor and to deny the appeal filed by Industrial Services. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

6) **APPEAL FILED ON LATE FILED HOMESTEAD EXEMPTION:**

Don L. Marti

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and said his office received a letter from Mr. Marti on an unrelated matter in which he stated that he and his wife had been living and working in Iowa since spring. He said his office took that to mean that they had left their residence and no longer met homestead exemption requirements.

Don L. Marti appeared and explained that they were vacationing in Iowa and still reside in Lincoln.

**MOTION:** Workman moved and Hudkins seconded to reinstate the homestead exemption for Mr. and Mrs. Marti. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Hudkins moved and Heier seconded adjournment of the meeting of the Board of Equalization at 10:46 a.m. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk